

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN COUNCIL OF LEARNED SOCIETIES,
633 Third Avenue, 8th Floor New York, NY 10017,

AMERICAN HISTORICAL ASSOCIATION,
400 A Street SE Washington, DC 20003,

MODERN LANGUAGE ASSOCIATION,
85 Broad Street, New York, NY 10004,

Plaintiffs,

No. 25 Civ. 3657 (CM)

v.

MICHAEL MCDONALD, in his official capacity as Acting
Chairman of the National Endowment for the Humanities,
400 7th St SW, Washington, DC 20506,

NATIONAL ENDOWMENT FOR THE HUMANITIES,
400 7th St SW, Washington, DC 20506,

UNITED STATES DOGE SERVICE,
736 Jackson Pl NW Washington, DC 20503,

AMY GLEASON, in her official capacity as Acting
Administrator of the United States DOGE Service,
736 Jackson Pl NW Washington, DC 20503,

NATE CAVANAUGH, in his official capacity as an employee
of the U.S. DOGE Service or the General Services
Administration,
1800 F St NW Washington, DC 20006,

JUSTIN FOX, in his official capacity as an employee of the
U.S. DOGE Service or the General Services Administration,
1800 F St NW Washington, DC 20006,

Defendants.

THE AUTHORS GUILD, WILLIAM GOLDSTEIN, ELIZABETH KADETSKY, VALERIE ORLANDO, KATALIN BALOG, BENJAMIN HOLTZMAN, LEE JASPERSE, and NICOLE JENKINS, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

NATIONAL ENDOWMENT FOR THE HUMANITIES;

No. 25 Civ. 3923 (CM)

MICHAEL MCDONALD, in his official capacity as Acting Chairman of the National Endowment for the Humanities;

UNITED STATES DOGE SERVICE;

AMY GLEASON, in her official capacity as Acting Administrator of the United States DOGE Service;

NATE CAVANAUGH, in his official capacity as an employee of the U.S. DOGE Service or the General Services Administration; and,

JUSTIN FOX, in his official capacity as an employee of the U.S. DOGE Service or the General Services Administration,

Defendants.

DECLARATION OF MICHAEL MCDONALD

I, Michael McDonald, hereby declare under penalty of perjury:

1. I am the Acting Chairman of the National Endowment for the Humanities (“NEH”).
2. President Trump appointed me to the Acting Chairman position on March 10, 2025.
3. I have worked at NEH since May 2003 in a variety of positions including Deputy General Counsel, General Counsel, Assistant Chairman for Programs, and Acting Deputy Chairman.
4. Before serving as Acting Chairman, I was the General Counsel of NEH since 2008.

5. I earned my law degree in 1982 and have a Ph.D. in Romance Languages and Literatures.

6. Congress created NEH in 1965 within the executive branch of the federal government to support research, education, preservation, and public programs in the humanities.

7. NEH accomplishes this mission by providing grants for high-quality humanities projects to cultural institutions and individuals, and through partnerships with public and private organizations.

8. In the statute creating NEH, Congress authorized the NEH Chairperson – and only the NEH Chairperson – to enter contracts, grants, loans and other forms of assistance to carry out the agency’s humanities functions.

9. NEH’s authorizing statute does not set forth any prohibition or limitation on the sole discretion of the NEH Chairperson to terminate or rescind grant awards after he has received advice from The National Council on the Humanities. I am not aware of any such limitation in any law or regulation.

10. NEH’s authorizing statute does not set forth any requirement that NEH maintain or award a particular number of grants, make grants to particular recipients, or expend a particular amount of grant funds in a given time frame. I am not aware of any such requirement in any law or regulation.

11. NEH’s authorizing statute does not set forth any requirement that NEH maintain particular grant programs or staffing levels. I am not aware of any such requirement in any law or regulation.

12. NEH's authorizing statute does not set forth any prohibition or limitation on the discretion of the NEH Chairperson to eliminate or restructure agency programs, or add new programs. I am not aware of any such limitation in any law or regulation.

13. I terminated a number of, but not all, open NEH grants in April 2025, in compliance with Presidential Executive Order 14222 and in consultation with the Department of Government Efficiency.¹

14. Many NEH grant recipients continue to receive NEH funding for their awards that were ongoing in early April 2025.

15. Prior NEH Chairpersons appointed during both Republican and Democratic Administrations have eliminated grant program opportunities and restructured the agency by eliminating entire offices. In 1995, NEH Chairman Sheldon Hackney reduced NEH from six to three program divisions and from thirty-one programs to seven programs because of agency budget reductions. *See* NEH Timeline, 1995, <https://www.neh.gov/about/history/timeline>. Over the years the Office of Challenge Grants has, alternately, been dispersed among several divisions, consolidated within its own office, and housed as a grant program within another division. And in the mid-2010s, NEH Chairman William Adams eliminated the international component of an NEH summer seminars program.

16. Similarly, prior NEH Chairpersons have added grant opportunities and program offices to effectuate the respective priorities of the Presidential administrations for which they worked.

¹ The April termination emails were carried out pursuant to Executive Order 14222. The grant termination emails mistakenly referenced Executive Order 14214 and should have referenced Executive Order 14222.

17. NEH continues to exist and, consistent with its Congressional mandate, to fund projects that strengthen humanities research, education, teaching and scholarship in a wide variety of humanities disciplines.

18. As NEH Chairpersons have done since the inception of NEH, I have eliminated some grant programs initiated by prior Administrations to better align with the current Administration's priorities.

19. I have also continued previously existing grant programs and created new ones. For instance, since mid-April 2025 I have instituted three new grant programs (*Celebrate America!*; National Garden of American Heroes: Statues (which NEH will fund and administer in collaboration with the National Endowment for the Arts); and Public Impact Projects Celebrating America's 250th Anniversary), and I have continued at least fifteen existing grant programs that are either currently accepting applications or have upcoming application deadlines in the next several months.

20. NEH has the authority to commission artwork, including statues, as specified in its founding legislation at 20 U.S.C. §§ 952 and 956.

21. In April 2025, I funded \$9.55 million in grants through nine grant programs, for sixty-eight humanities projects across the country. Those projects include, among other things, support for production of a documentary about a 14-year-old Jewish girl whose diary was found in the rubble of Auschwitz in 1945; a discussion program for veterans, focusing on the legacies and public memorialization of the Civil War and Vietnam War; the digitization of archival materials held by Rochester Institute of Technology documenting Deaf history and culture and records relating to the National Institute for the Deaf; research regarding the early drawings and engravings of William Blake; an online database of 3D models of the Great

Marble Map of Rome; preparation of a book examining how T.S. Eliot’s childhood experiences are reflected in his poetry; a two-year project to develop online courses in Micronesian studies; a two-year project to create educational resources on African American art history with a focus on the South; a one-year initiative to increase access to humanities internships for underrepresented and underserved students; and the implementation of a traveling exhibition examining African American photojournalism from the 1940s through the 1980s. *See* Press Release, NEH Announces \$9.55 Million for 68 Humanities Projects, <https://www.neh.gov/news/neh-announces-955-million-68-humanities-projects>; NEH Grant Awards and Offers, May 2025, available at <https://www.neh.gov/sites/default/files/Spring%202025%20grants%20state%20by%20state%20list%20FINAL.pdf>.

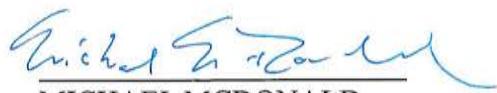
22. I plan to make a similarly broad range of grants following the July 2025 and November 2025 meetings of NEH’s advisory committee, the National Council on the Humanities.

23. The money Congress appropriates to NEH each fiscal year to carry out NEH’s statutory functions is “no-year” funding, which means NEH is not required to disburse the entire amount in a given fiscal year.

24. NEH’s annual appropriations legislation for fiscal year 2025 and prior fiscal years specifies that the agency’s funding is “to remain available until expended.”

25. NEH does not typically spend all its Congressional appropriations in a fiscal year and accordingly each year NEH “carries over” appropriated funds to the next fiscal year.

June 5, 2025



MICHAEL MCDONALD
Acting Chairman
National Endowment for the Humanities